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BEFORE THE  
BOARD OF VOCATIONAL NURSING  
AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

Case No. VN-2007-1599

ANGELA MARIA MENCHACA  
874 Bond Way  
Lindsay, CA 93247

OAH No. 2009020765

Applicant for Vocational Nurse License

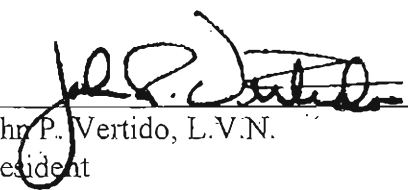
Respondent.

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians as the final Decision in the above-entitled matter.

This Decision shall become effective on October 1, 2009.

IT IS SO ORDERED this 1<sup>st</sup> day of September, 2009.

  
\_\_\_\_\_  
John P. Vertido, L.V.N.  
President

BEFORE THE  
DEPARTMENT OF CONSUMER AFFAIRS  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

ANGELA MARIA MENCHACA,

Respondent.

Case No. VN 2007-1599

OAH No. 2009020765

**PROPOSED DECISION**

This matter was heard before Administrative Law Judge Jonathan Lew, State of California, Office of Administrative Hearings, on July 9, 2009, in Fresno, California.

Arthur D. Taggart, Supervising Deputy Attorney General, appeared on behalf of complainant.

Angela Maria Menchaca appeared on her own behalf.

The case was submitted for decision on July 9, 2009.

**FACTUAL FINDINGS**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (complainant) brought the Statement of Issues solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs.
2. On December 14, 2007, the Board received an Application for Vocational Nurse Licensure from Angela Maria Menchaca (respondent). The Board denied the application on July 18, 2008, and respondent requested a hearing on this denial.
3. Complainant contends that respondent's application should be denied because she has been convicted of crimes substantially related to the qualifications, functions or duties of a vocational nurse.

4. Respondent was convicted of the following offenses, all crimes substantially related to the qualifications, functions or duties of a vocational nurse:

a. On May 24, 2002, in the case entitled, *People of the State of California v. Angela Maria Menchaca* (Superior Court Tulare County, Case No. CR-TR-02-0091625-1) respondent was convicted on her plea of guilty of violating Vehicle Code sections 23152, subdivision (b) (Driving Under the Influence of Alcohol with a Blood Alcohol Count [B.A.C.] of .08 % or Higher); 23140, subdivision (a) (Person Under 21 with B.A.C. of .05% or More); and 23223, subdivision (a) (Possession of Open Container in Vehicle), all misdemeanors.

b. On September 29, 2003, in the case entitled, *People of the State of California v. Angela Maria Menchaca* (Superior Court Tulare County, Case No. CR-TR-03-01159004-18) respondent was convicted on her plea of guilty of violating Vehicle Code sections 23152, subdivision (b) (Driving Under the Influence of Alcohol with a B.A.C. of .08 % or Higher [.23%], With a Prior), a misdemeanor, with a special allegation of violating Vehicle Code section 23578 (Refusal to Take Chemical Test as a Special Factor).

c. On September 11, 2007, in the case entitled, *People of the State of California v. Angela Maria Menchaca* (Superior Court Tulare County, Case No. PCM186291) respondent was convicted on her plea of guilty of violating Vehicle Code sections 23152, subdivision (b) (Driving Under the Influence of Alcohol with a B.A.C. of .08 % or Higher [.17%], With Priors), a misdemeanor, with a special allegation of violating Vehicle Code section 23578 (Refusal to Take Chemical Test as a Special Factor).

5. First DUI. On April 28, 2002, respondent was stopped by Lindsay Police after she was observed driving 50 mph in a 25 mph zone. She was age 20, and returning home from a party where she had been drinking. Respondent failed a field sobriety test and was arrested for driving while intoxicated. She was sentenced to 25 days in custody, to attend a six-month DUI program and to pay fines. She participated in an alternative work program in lieu of jail time, paid all fines and completed the DUI program. Respondent regrets and makes no excuses for her behavior leading to this conviction. She observed that she was "young and ignorant" and that it was a time in her life when she was careless and not thinking about her future.

6. Second DUI. On September 2, 2003, respondent was stopped by Lindsay Police after she was observed crossing over the centerline of the roadway in her vehicle. The police officer detected an odor of alcohol and arrested her after conducting a series of field sobriety tests. Her blood alcohol level was determined to be .08 percent or higher. Respondent noted that this offense was during the same period in her life as her first offense and that she obviously had not learned from her

first DUI. She characterized her conduct as “stupid,” noting that she humiliated herself and was “beginning to ruin my life.” She was placed on five years probation and ordered into an 18-month DUI program and a two-month work program. She completed both. Following her second offense she enrolled in Porterville College and began and completed a licensed vocational nurse program. She worked part time over this same period.

7. Third DUI. On June 16, 2007, respondent was stopped by California Highway Patrol after she made an illegal U-turn. While speaking with respondent the CHP officer could detect the smell of alcohol, noted that her speech was slurred and that her eyes were red and watery. Her blood alcohol was determined to be .08 percent or higher.

Respondent had been out with friends, one who was supposed to be their designated driver. When it came time to leave, respondent felt she was the least drunk and decided it was best for her to drive them home. She characterizes this as the worst decision of her life.

Following sentencing, respondent enrolled in a rather intensive seven-month program at a work camp in Visalia. She was there five days per week from 7:00 a.m. to 3:00 p.m. She attended classes on two days and worked there the other three days. She received instruction on matters such as errors in thinking, overcoming thinking errors, process of addiction, process of recovery (12-step), relapse prevention plans, high risk situations, preventing and handling relapse, tactics for change, dealing with cravings, tips for quitting and many other related matters. She completed the seven-month program. She was also enrolled in an 18-month program consisting of weekly group meetings, and a meeting with a counselor every two weeks. She is scheduled to take her final course through Alternative Services on July 16, 2009. She has paid all but \$270 of the fees and fines related to her conviction. She remains on summary probation through September 11, 2012.

8. Respondent completed the LVN program and has been working as a certified nurse assistant for Melendez Family Home, a private six-bed facility. She performs various duties there including administering daily medications, monitoring clients for changes in condition, monitoring seizures, feedings via gastric tubes, dressing changes, breathing treatments and providing assistance with all activities of daily living. Her supervisor, Leslie N. Sea, writes that respondent’s work performance “has been nothing less than outstanding,” that she handles herself well under pressure, that she has all the characteristics to work in the nursing profession, and that “[a]lthough she has made mistakes in the past, I feel if given the chance she can prove that she is an excellent nurse.”

9. Respondent has also worked full time at Tulare Nursing and Rehabilitation Convalescent Home. Karina Diaz is one of her co-workers. She is aware of respondent's past mistakes, but notes that she is a "very responsible and reliable person" and believes if given a chance will be a great nurse. Judith Gonzalez is also one of respondent's coworkers, and friend of seven years. She noted by letter dated July 6, 2009, that she has never seen respondent miss a day of work due to alcohol, nor seen her come to work intoxicated. She has never observed respondent do anything at work to jeopardize patient safety. Regarding respondent's rehabilitation, Ms. Gonzalez observed:

To watch her work, and to see the patience and compassion that she shows for her patients, I could not picture her in any other profession and I'm sure neither can she. I have worked with her before, during, and after everything that has happened. ... She has expressed and shown tremendous remorse for her mistakes. I know that she is a changed person and would never commit those mistakes again. Angela is a strong person who has overcome several obstacles these past two years. She has always acknowledged and taken responsibility for her mistakes.

10. At hearing, respondent acknowledged drinking and driving regularly in her early 20's, through age 25. She no longer drinks and has been dry for six months. Her last drink was a single beer at a family barbecue. She no longer associates with the old friends with whom she partied. She attended 12-step programs in the past, but does not do so now. However, she is willing to do so if required. She resides with her parents and assists with their support. She has two siblings, older and younger brothers. Her family and coworkers appear to be both aware of her past history and supportive of her current rehabilitative efforts.

11. Respondent is very open about her past mistakes. She has expressed genuine regret and is remorseful for her past actions. She realizes that her DUI offenses are very serious and understands why the Board would be concerned about her being licensed. She has worked diligently and purposefully towards completing the different DUI programs and other terms and conditions of her criminal probation. She worked hard over this same period to complete the LVN training program. Respondent has demonstrated that she has matured very much since her 2007 conviction. Her commitment to staying the course and never re-offending is genuine. She has worked in the nursing field and now has clear in mind that this is she wants to do. By all accounts she is a very good nurse.

The fact of three DUIs, the most recent being within two years, demands that respondent demonstrate she is substantially rehabilitated before any consideration is given to issuing her a license. Respondent has done so here. In the relatively short time since her most recent conviction, she has demonstrated that she has matured beyond her years, has learned from her past her mistakes and is ready to move forward into her chosen profession.

Respondent has persuasively demonstrated that she is substantially rehabilitated. With the understanding that the Board may require respondent to participate in a rehabilitation and monitoring program, and impose related terms and conditions of probation that address her past alcohol use, it would not be contrary to the public interest to issue her a licensed vocational nurse license at this time with such conditions in place.

## LEGAL CONCLUSIONS

1. Business and Professions Code section 2866 provides that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code. Business and Professions Code section 480, subdivision (a)(1), provides that grounds for denial exists when an applicant has “[b]een convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere...” Business and Professions Code section 480, subdivision (a)(3), further provides that grounds for denial exists when an applicant has done “any act which if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license.”

The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

2. Business and Professions Code section 2878, subdivision (f), provides that the Board may take disciplinary action for any of the following: “Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.”

3. Business and Professions Code section 2878.5 provides:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nurse Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

[¶] ... [¶]

(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Article 8 (commencing with Section 4210) of Chapter 9 of Division 2 of this code, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous drug, or the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, in which event the record of conviction is conclusive evidence thereof.

4. Cause exists for denial of respondent's application for licensure under Business and Professions Code sections 480, subdivision (a)(3), and 2866. Respondent committed acts that if done by a licentiate, would be grounds for suspension or revocation of a license pursuant to Business and Professions Code sections 2878, subdivision (f), and 2878.5, subdivisions (b) and (c). (See Findings 4 through 7.)

5. The matters set forth in Findings 8 through 11 were considered in making the following Order. Respondent has demonstrated that she is substantially rehabilitated. Therefore, it would not be contrary to the public interest to issue respondent a vocational nurse license at this time, under terms and conditions requiring her to participate in a rehabilitation and monitoring program, and that otherwise address her past alcohol use. Such terms will provide necessary structure, accountability and oversight to assure safety to the public as respondent commences licensed practice as a vocational nurse.

### ORDER

The application of Angela Maria Menchaca for a vocational nurse license is granted, and then immediately revoked pursuant to Legal Conclusion 4. However, the revocation is stayed and respondent is placed on probation to the Board for five (5) years upon the following terms and conditions:

1. Rehabilitation Program. Within thirty (30) days of the effective date of the Decision, respondent shall enter a rehabilitation and monitoring program specified by the Board. Respondent shall successfully complete such treatment contract as may be recommended by the program and approved by the Board. Respondent shall submit written verification of successful completion of such treatment in a format acceptable to the Board within thirty (30) days of completion.

Components of the treatment contract shall be relevant to the violation and to respondent's current status in recovery or rehabilitation. The components may include, but are not limited to: restrictions on practice and work setting, random bodily fluid testing, abstention from drugs and alcohol, use of work site monitors, participation in chemical dependency rehabilitation programs or groups, psychotherapy, counseling, psychiatric evaluations and other appropriate rehabilitation or monitoring programs. The cost for participation in this program shall be paid by the respondent.

2. Chemical Dependency Support & Recovery Groups. Within five (5) days of the effective date of the Decision, respondent shall begin attendance at a chemical dependency support group (e.g. Alcoholics Anonymous, Narcotics Anonymous, Nurse Support Group). Verified documentation of attendance shall be submitted by respondent with each written report as required by the Board. Respondent shall continue attendance in such a group for the duration of probation.

3. Abstain From Controlled Substances. Respondent shall completely abstain from the personal use or possession of controlled substances, as defined in the California Uniform Controlled Substances Act, and dangerous drugs as defined in Section 4021 and 4022 of the Business and Professions Code, except when lawfully prescribed by a licensed practitioner for a bona fide illness.

4. Abstain From Use of Alcohol. Respondent shall completely abstain from the use of alcoholic beverages and products containing alcohol.

5. Submit Biological Fluid Samples. Respondent shall immediately submit to biological fluid testing, at respondent's cost, upon request by the Board or its designee. There will be no confidentiality in test results; positive test results will be immediately reported to the Board and respondent's current employer.

6. Obey All Laws. Respondent shall obey all federal, state and local laws, including all statutes and regulations governing the license. Respondent shall submit, in writing, a full and detailed account of any and all violations of the law, including alleged violations, to the Board within five (5) days of occurrence.

To ensure compliance with this condition, respondent shall submit fingerprints through the Department of Justice and Federal Bureau of Investigation within thirty (30) days of the effective date of the decision, unless the Board determines that fingerprints were previously submitted by the respondent to the Board.

Respondent shall also submit to the Board a recent 2" x 2" photograph of herself within thirty (30) days of the effective date of the decision.

If respondent is under a criminal court order, including probation or parole, and the order is violated, it shall be deemed a violation of these probation conditions.

7. Compliance With Probation Program. Respondent shall fully comply with the conditions of probation established by the Board and shall cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the Probation Program.

Upon successful completion of probation, the respondent's license will be fully restored.



8. Submit Written Reports. Respondent shall submit or cause to be submitted, under penalty of perjury, any written reports, declarations and verification of actions as required by the Board or its representatives. These reports or declarations shall contain statements relative to respondent's compliance with all the conditions of the Board's Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

In the first report, respondent shall provide a list of all states and territories where she has ever been licensed as a vocational/practical nurse, psychiatric technician, or registered nurse. Respondent shall provide information regarding the status of each license and any change in license status during the period of probation. Respondent shall inform the Board if she applies for or obtains a new nursing or psychiatric technician license during the period of probation.

Respondent shall provide a copy of the Board's decision to the regulatory agency in every state and territory in which she has applied for or holds a vocational/practical nurse, psychiatric technician and/or registered nurse license.

9. Notification of Address and Telephone Number Change(s). Respondent shall notify the Board, in writing, within five (5) days of any change in address or telephone number(s).

Respondent's failure to claim mail sent by the Board may be deemed a violation of these probation conditions.

10. Notification of Residency or Practice Outside of State. Respondent shall notify the Board, in writing, within five (5) days, if she leaves California to reside or practice in another state. Periods of residency or practice outside of California shall not apply toward a reduction of this probation time period. If respondent resides or practices outside of California, the period of probation shall be automatically extended for the same time period he/she resides or practices outside of California. Respondent shall provide written notice to the Board within five (5) days of any change of residency or practice.

Respondent shall notify the Board, in writing, within five (5) days, upon her return to California.

11. Meetings With Board Representative(s). Respondent shall appear in person at meetings as directed by the Board or its designated representatives.

12. Notification To Employer(s). When currently employed or applying for employment in any capacity in any health care profession, respondent shall notify her employer of the probationary status of petitioner's license. This notification to respondent's current health care employer shall occur no later than the effective date of the Decision. Respondent shall notify any prospective health care employer of her probationary status with

the Board prior to accepting such employment. At a minimum, this notification shall be accomplished by providing the employer or prospective employer with a copy of the Board's Accusation and Disciplinary Decision.

The Health Care Profession includes, but is not limited to: Licensed Vocational Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary technical health care positions.

Respondent shall cause each health care employer to submit to the Board all performance evaluations and any other employment related reports as required by the Board. Respondent shall notify the Board, in writing, of any difficulty in securing employer reports within five (5) days of such an event.

Respondent shall notify the Board, in writing, within five (5) days of any change in employment status. Respondent shall notify the Board, in writing, if she is terminated or separated, regardless of cause, from any nursing or health care related employment with a full explanation of the circumstances surrounding the termination or separation.

13. Employment Requirements and Limitations. Respondent shall work in her licensed capacity in the state of California. This practice shall consist of no less than six (6) continuous months and of no less than twenty (20) hours per week.

Respondent shall not work for a nurses' registry or in any private duty position, a temporary nurse placement agency, as a faculty member in an accredited or approved school of nursing, or as an instructor in a Board approved continuing education course except as approved, in writing, by the Board. Respondent shall work only on a regularly assigned, identified and predetermined work site(s) and shall not work in a float capacity except as approved, in writing, by the Board.

14. Supervision Requirements. Before commencing or continuing employment in any health care profession, respondent shall obtain approval from the Board of the supervision provided to respondent while employed.

Respondent shall not function as a charge nurse (i.e., work in any healthcare setting as the person who oversees or directs licensed vocational nurses, psychiatric technicians, certified nursing assistants or unlicensed assistive personnel) or supervising psychiatric technician during the period of probation except as approved, in writing, by the Board.

15. Completion of Educational Course(s). Respondent, at her own expense, shall enroll and successfully complete a course(s) substantially related to the violation(s) no later than the end of the first year of probation.

The coursework shall be in addition to that required for license renewal. The Board shall notify respondent of the course content and number of contact hours required. Within thirty (30) days of the Board's written notification of assigned coursework, respondent shall submit a written plan to comply with this requirement. The Board shall approve such plan prior to enrollment in any course of study.

Upon successful completion of the course, respondent shall submit "original" completion certificates to the Board within thirty (30) days of course completion.

16. Maintenance of Valid License. Respondent shall, at all times, maintain an active current license with the Board including any period of suspension.

If an initial license must be issued (Statement of Issues) or a license is reinstated, probation shall not commence until a license is issued by the Board. Respondent must complete the licensure process within two (2) years from the effective date of the Board's decision.

Should respondent's license expire, by operation of law or otherwise, upon renewal or reinstatement, respondent's license shall be subject to any and all conditions of this probation not previously satisfied.

17. License Surrender. During probation, if respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the conditions of probation, respondent may surrender her license to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request without further hearing. Upon formal acceptance of the tendered license, respondent will no longer be subject to the conditions of probation.

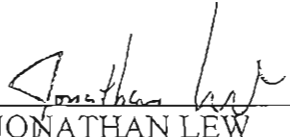
Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board. A licensee who surrenders her license may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision for the surrender:

- Three (3) years for reinstatement of a license surrendered for any reason other than a mental or physical illness; or
- One (1) year for a license surrendered for a mental or physical illness.

18. Violation of Probation. If respondent violates the conditions of her probation, the Board, after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (denial/revocation/suspension) of respondent's license. If during probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested

to prepare an accusation or petition to revoke probation against respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

DATED: July 17, 2009

  
\_\_\_\_\_  
JONATHAN LEW  
Administrative Law Judge  
Office of Administrative Hearings

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
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5 Sacramento, CA 94244-2550  
Telephone: (916) 324-5339  
6 Facsimile: (916) 327-8643

7 Attorneys for Complainant

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9 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
11 **STATE OF CALIFORNIA**

12  
13 In the Matter of the Statement of Issues Against:

Case No. VN 2007-1599

14 **ANGELA MARIA MENCHACA**  
874 Bond Way  
15 Lindsay, California 93247

**STATEMENT OF ISSUES**

16 Applicant/Respondent.

17  
18 Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Statement of Issues solely in her official capacity  
21 as the Executive Officer of the Bureau of Vocational Nursing and Psychiatric Technicians  
22 ("Bureau"), Department of Consumer Affairs.

23 **Application History**

24 2. On or about December 14, 2007, the Bureau received an Application for  
25 Vocational Nurse Licensure from Angela Maria Menchaca ("Respondent"). On or about  
26 November 19, 2007, Respondent certified under penalty of perjury to the truthfulness of all  
27 statements, answers, and representations in the application. The Bureau denied the application  
28 on July 18, 2008.

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3. Section 2866 of the Business and Professions Code ("Code") provides, in part, that the Board may deny a license when it finds that the applicant has committed "any act constituting grounds for denial of licensure under Code section 480."

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1 (c) Be convicted of a criminal offense involving  
2 possession of any narcotic or dangerous drug, or the prescription,  
3 consumption, or self-administration of any of the substances  
described in subdivisions (a) and (b) of this section, in which event  
the record of the conviction is conclusive evidence thereof.

4 **CAUSE FOR DENIAL OF APPLICATION**

5 **(Criminal Convictions)**

6 7. Respondent's application is subject to denial under Code sections 2866  
7 and 480, subdivision (a)(1), in that Respondent has been convicted of crimes substantially related  
8 to the qualifications, functions or duties of a vocational nurse, as follows:

9 a. On or about May 24, 2002, in the case entitled, *People of the State of*  
10 *California v. Angela Maria Menchaca* (Super. Ct. Tulare County, 2002, Case No. CR-TR-02-  
11 0091625-1), Respondent was convicted on her plea of guilty of violating Vehicle Code sections  
12 23152, subdivision (b) (Driving Under the Influence of Alcohol with a B.A.C. of .08% or  
13 Higher); 23140, subdivision (a) (Person Under 21 with B.A.C. of .05% or More); and 23223,  
14 subdivision (a) (Possession of Open Container in Vehicle), all misdemeanors.

15 b. On or about September 29, 2003, in the case entitled, *People of the State*  
16 *of California v. Angela Maria Menchaca* (Super. Ct. Tulare County, 2003, Case No. CR-TR-03-  
17 01159004-18), Respondent was convicted on her plea of nolo contendere of violating Vehicle  
18 Code section 23152, subdivision (b) (Driving Under the Influence of Alcohol with a B.A.C. of  
19 .08% or Higher [.23%], With a Prior), a misdemeanor, with a special allegation of violating  
20 Vehicle Code section 23578 (Refusal to Take Chemical Test as Special Factor).

21 c. On or about September 11, 2007, in the case entitled, *People of the State*  
22 *of California v. Angela Maria Menchaca* (Super. Ct. Tulare County, 2007, Case No.  
23 PCM186291), Respondent was convicted on her plea of nolo contendere of violating Vehicle  
24 Code section 23152, subdivision (b) (Driving under the Influence with a .08% or Higher [.17%&]  
25 With Priors), a misdemeanor, with a special allegation of violating Vehicle Code section 23578  
26 (Refusal to Take Chemical Test as Special Factor).

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1 SECOND CAUSE FOR DENIAL OF APPLICATION

2 (Done Any Acts if Committed by a Licentiate)

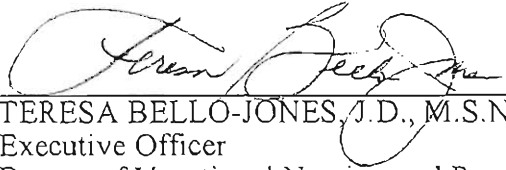
3 8. Respondent's application is subject to denial under Code sections 2866  
4 and 480, subdivision (a)(3), in that Respondent committed acts, which if done by a licentiate,  
5 would be grounds for suspension or revocation of a license, pursuant to Code sections 2878,  
6 subdivision (f), and 2878.5, subdivisions (b) and (c), as set forth in paragraph 7, above.

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
9 alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

- 10 1. Denying the application of Angela Maria Menchaca for a vocational nurse  
11 license; and,  
12 2. Taking such other and further action as deemed necessary and proper.

13  
14 DATED: December 12, 2008

15  
16   
17 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
18 Executive Officer  
19 Bureau of Vocational Nursing and Psychiatric Technicians  
20 Department of Consumer Affairs  
21 State of California  
22 Complainant  
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